

**WAC 182-512-0790 SSI-related medical—Exemption from sponsor deeming.** (1) A person who meets any of the following conditions is permanently exempt from deeming and the agency does not count the sponsor's income or resources when determining eligibility for Washington apple health (WAH) SSI-related coverage:

- (a) The Immigration and Nationality Act (INA) does not require the person to have a sponsor. Immigrants who are not required to have a sponsor include those with the following status with U.S. Citizenship and Immigration Services (USCIS):
  - (i) Refugee;
  - (ii) Parolee admitted under Section 212(d)(5) of the Immigration and Nationality Act (INA);
  - (iii) Asylee;
  - (iv) Cuban/Haitian entrant under Section 202 of the Immigration Reform and Control Act of 1986 (IRCA);
  - (v) Amerasians admitted with an I-551 admission code of AM1, AM2, AM3, AM6, AM7, or AM8; and
  - (vi) Special immigrant from Iraq or Afghanistan.
- (b) The person meets the blindness or disability requirements described in WAC 182-512-0050(1);
- (c) The person was sponsored by an organization or group as opposed to another person;
- (d) The person is a nonqualified or undocumented alien as defined in WAC 182-503-0530 (3) and (4);
- (e) The person has worked or can get credit for forty qualifying quarters of work under Title II of the Social Security Act. The agency does not count a quarter of work toward this requirement if the person working received TANF, Basic Food, SSI, CHIP, or nonemergency medicaid coverage. A quarter of work earned by the following people is counted toward the forty qualifying quarters:
  - (i) The person;
  - (ii) The person's parents for the time they worked before the person turned eighteen years old (including the time they worked before the person's birth); and
  - (iii) The person's spouse if still married or if the spouse is deceased.
- (f) The person has become a United States (U.S.) citizen;
- (g) The sponsor is dead; or
- (h) If USCIS or a court decides that the person, their child, or their parent was a victim of domestic violence from the person's sponsor and:
  - (i) The person no longer lives with the sponsor; and
  - (ii) Leaving the sponsor caused the need for coverage.

(2) A person is exempt from the deeming process while in the same assistance unit (AU) as the sponsor.

(3) If the person, their child, or their parent was a victim of domestic violence, the person is exempt from the deeming process for twelve months if:

- (a) They no longer live with the person who committed the violence; and
- (b) Leaving this person caused the need for health coverage.

(4) If the person's medical assistance unit (MAU) has income at or below one hundred thirty percent of the federal poverty level (FPL), the person is exempt from the deeming process for twelve months. This is called the "indigence exemption." A person may choose to use this exemption or not to use this exemption in full knowledge

of the possible risks involved. See risks in subsection (5) of this section. For this rule, the agency counts the following as income:

(a) Earned and unearned income received by any member of the MAU from any source; and

(b) The value of any noncash items of value such as free rent, commodities, goods, or services received from another person or organization.

(5) A person who chooses not to use the indigence exemption must provide verification of the sponsor's income and resources and will be subject to the deeming rules described in WAC 182-512-0795.

(6) For federally funded programs, if the person uses the indigence exemption, the agency is required by law to give the U.S. Attorney General the following information:

(a) The names of the sponsored people in the person's AU;

(b) That the person is exempt from deeming due to income;

(c) The sponsor's name; and

(d) The effective date that the twelve-month exemption began.

[Statutory Authority: RCW 41.05.021 and Patient Protection and Affordable Care Act (Public Law 111-148), 42 C.F.R. §§ 431, 435, 457 and 45 C.F.R. § 155. WSR 14-07-059, § 182-512-0790, filed 3/14/14, effective 4/14/14.]